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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/608,735

06/27/2003

Donald J. Polak

03-087

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05/17/2005

COHEN & GRIGSBY, P.C.

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,735

Applicant(s)

POLAK ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This is the first Office Action for the serial number 10/608,735, ONE-PIECE MOLDED CLAMP, filed on 6/27/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Design Patent # 389,052 to Yamamoto in view of Publication Date, June 1, 1959 to Cable Harness Clamp.

Yamamoto teaches an adjustable one-piece molded clamp comprising a first jaw having an inward facing surface, an outward facing surface, a first end, and a second end. The clamp comprises a second jaw unitarily formed with the first jaw. The second jaw has an inward facing surface, an outward facing surface, a first end, and a second end.

Yamamoto teaches the first jaw having a tension strap but fails to teach the tension strap having at least one through-aperture having an inner edge and the second jaw having at least two notches in the outward facing surface of the second jaw. The Cable Harness Clamp teaches the first jaw having a tension strap (6) with at least one through-aperture (7) and the second jaw having at least two notches (9) in the outward facing surface. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Yamamoto's

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tension strap with at least one through-aperture and second jaw with at least two notches as taught by Cable Harness Clamp to provide alternative method for connecting the strap on the notch of second jaw.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Cable Harness Clamp and in further view of US Patent # 6,164,604 to Cirino et al.

Yamamoto teaches the first and second jaws having inward facing surfaces but fails to teach the inward facing surfaces having at least one protrusion thereon. Cirino et al. teaches the inward facing surfaces having at least one protrusion thereon (12). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added protrusion to Yamamoto's inward facing surfaces as taught by Cirino et al. to provide a friction force to prevent an object from rotating when being retained in the clamp.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Cable Harness Clamp and in further view of US Patent # 4,766,651 to Kobayashi et al.

Yamamoto teaches the jaws but fails to teach the jaws having means for mounting the clamp on a surface and the surface a body of a vehicle. Kobayashi et al. teaches the means for mounting (11) and the surface (S) is the body of vehicle. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added means for mounting to Yamamoto's clamp for mounting on surface of vehicle as taught by Kobayashi et al. to retain the clamp on a specific location inside of the vehicle without interfering other object.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Cable Harness Clamp and in further view of US Patent # 5,930,872 to McBride et al.

Yamamoto teaches the clamp but fails to teach the clamp is made of a polymer. McBride et al. teaches the clamp (10) is made of a polymer. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Yamamoto's clamp material to polymer as taught by McBride et al. to provide designer's preference of material to be used for clamping an object.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Cable Harness Clamp and in further view of US Patent # 6,496,094 to May III.

Yamamoto teaches the clamp but fails to teach the clamp is made of rubber. May III teaches the clamp (12) is made of rubber. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Yamamoto's clamp material to rubber as taught by May III to provide designer's preference of material to be used for clamping an object.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Cable Harness Clamp and in further view of US Patent # 3,827,093 to Davis.

Yamamoto teaches the clamp but fails to teach the clamp is made of synthetic rubber. Davis teaches the clamp (18) is made of rubber. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Yamamoto's clamp material

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to synthetic rubber as taught by Davis to provide designer's preference of material to be used for clamping an object.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 6,101,684 to Ginocchio

US Patent # D307,541 to Tres

US Patent # 4,483,556 to LiVolsi

US Patent # 4,502,186 to Clarke et al.

US Patent # 4,935,992 to Due

US Patent # 4,557,024 to Roberts et al.

US Patent # 4,390,019 to LeVeen et al.

US Patent # D234,204 to Miller

US Patent # 4,502,186 to Clarke et al.

US Patent # 5,713,912 to Porter

Ginocchio, Tres, LiVolsi, Clarke et al., Due, Roberts et al., Le Veen et al., Miller and Porter teach clamp. .

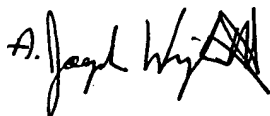
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
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A handwritten signature in black ink, appearing to read 'A. Joseph Wujciak III', with a stylized flourish at the end.

5/13/05